

THE NATIONAL PARK SERVICE AND ITS MISSION

America's National Park Service was created by Congress to "... conserve the scenery and the natural and historic objects and the wild life therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Additionally, the Congress has declared that the National Park System should be, "... preserved and managed for the benefit and inspiration of all the people of the United States." The National Park Service has as its overall mission the preservation and public enjoyment of significant aspects of the nation's natural and cultural heritage.

The National Park Service is an agency (bureau) of the Department of the Interior. The Department of the Interior, through its various bureaus, has responsibility for much of our nationally owned public lands and natural and cultural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The department also encourages stewardship and citizen responsibility for the public lands and promotes citizen participation in their care.

The National Park Service is managed by its Director who makes its policies under the direction of the Secretary of the Interior and through the Assistant Secretary, Fish and Wildlife and Parks. The Director seeks advice on policy and other concession-related matters from the Office of Concession Management. This office includes branches for financial, contracting, and planning and program matters.

CONCESSION PROGRAM MANAGEMENT

Concession Contract Management

As one of the means by which the public can be provided the facilities and services they need to enjoy national park areas, Congress has established a concession program in the National Park Service through the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105-391). Title 36 of the Code of Federal Regulations contains important regulations for the preservation of the parks and administration of concession operations (36 CFR 51). Concession activities are also subject to Management Policies of the National Park Service.

The Secretary of the Interior, and those to whom he/she has delegated authority, are authorized to enter into concession contracts. The National Park Service may provide "necessary and appropriate" facilities and services for the visiting public through concession contracts.

These services include a wide variety of commercial visitor services from backcountry guiding to first-class hotel operations provided by private corporations, partnerships, individuals, or other entities under contract with the National Park Service. All exist for the purpose of providing park visitors with the services and accommodations that are necessary and appropriate for their full enjoyment of America's National Park Service-administered areas. The determination of which facilities and services are necessary and appropriate is made through the National Park Service's planning process. Needs vary with the purposes of the various park areas and their individual circumstances at the time of contracting.

The preceding description covers only the primary laws directly affecting the management of a National Park Service concession. Many other federal statutes apply. State and local laws and regulations may also apply depending on the nature of park jurisdiction. Some areas are exclusively federal in jurisdiction while others involve state and local jurisdiction.

The services to be provided under this contract are to be performed under the applicable laws, regulations, policies, and planning existing now or established during the term of the contract.

Concession contracts are issued under regulations unique to the National Park Service Concession Management Program. They are not subject to the Federal Acquisition Regulations (FAR).

Concession Program Management

The National Park Service Concession Program represents the interests of the National Park Service through three subdivisions: park, regional and Washington offices including the Concessions Program Center in Denver.

At each park there is, at the least, an individual assigned the task of being the concessioner's immediate contact? This may be a part-time duty in a park where concession activities are minor in nature. For parks with larger operations, a full-time staff will manage the park's immediate relationship with its concessioners and support the park superintendent.

For management purposes, the National Park Service is divided into seven regions, each with an office of the Regional Director. Each Regional Director's office has an office providing various technical functions including an Office of Concession Program Management. This concession management group provides advice to the region's parks and to the Regional Director and provides a variety of support functions to parks for contracting and other work.

In Washington, D.C., a staff of specialists makes policy recommendations to the Director and manages problem issues. This office is under the leadership of the Concession Program Manager, National Park Service. This office is part of the Park Operation and Education subdivision of the Washington office.

The Concession Program Center (CPC), located in Denver, CO, provides nationwide assistance in a variety of subjects relating to the concession management program. The CPC does feasibility studies, calculates insurance replacement cost values, carries out concession planning as separate assignments or as part of overall park planning teams, and undertakes a variety of special projects required to serve park goals.

Program Management - Operating Programs and Practices

While the role of a concessioner must include well defined business-oriented goals and management, in order for the park/concessioner relationship to be successful, the concessioner must also adopt the goals of the park as its own and make the achievement of park objectives for visitor service and other matters part of the concessioner's objectives.

Concessioners and their staffs are important members of the park community. Park visitors often have more contact with and receive more information from concession employees than park staff. These contacts can have a significant effect on the quality of the visitor's experience. Concessioners often occupy important historic structures and have, through their operations, meaningful effects on park resources.

To manage all these effects, Concession Program Management in the National Park Service has developed operating programs and practices. These allow the National Park Service to supervise concessioner activities in an orderly way and establish certain unique approaches to conducting hospitality and recreation services in the National Park System.

Resource Protection Considerations. The National Park Service expects its concessioners to join with the Service in fulfillment of its mission, and to give special attention in their operations to the preservation, conservation, and protection of park resources and the environment.

Routine business operations, educational activities and employee programs must be conducted in accordance with all applicable environmental laws, and in a manner and by such methods that minimize negative environmental impacts on the parks and that encourage others to do the same.

The overall objective of Resource Protection is to conduct operations in a steadily evolving way oriented towards the use of efficient and cost-effective approaches that minimize negative impacts on our environment and to encourage others to do so too, for the same cost-effective and self-protective reasons.

Environmental Management Program. The Environmental Management Program provides park-specific information about the concessioner's role in providing its services in an environmentally sensitive manner. Environmental management programs include such topics as hazardous waste management, etc.

The successful offeror must submit a proposed initial environmental management program as part of the Proposal. A final program must be submitted to NPS for approval within 60 days after the effective date of the new concession contract. The approved program must be adhered to by the concessioner. It will be reviewed on no less than an annual basis.

Interpretation. The National Park Service expects that its concessioners will, in appropriate ways, interpret park natural and cultural resources to park visitors and concession employees, with the objective of instilling in them an appreciation of the park area. Concessioner interpretive messages should include safety, local resource management issues and objectives, history of the area, and interpretive themes identified in the Park's Interpretive Themes. These opportunities and responsibilities are more specifically identified in the contract and operating plan for this operation.

Rates For Services. Rates and prices charged are subject to prior approval of the National Park Service. Reasonableness and appropriateness of rates and charges will be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due allowances for length of season, provision for peak loads, accessibility and cost of labor and material, and type of patronage with consideration given to other factors deemed relevant (See PL 105-391). The National Park Service concession rate approval program identifies several methods by which comparable rates may be established. It is the responsibility of the regional director to approve the method used and the responsibility of the superintendent to approve rates.

To reduce government expenses, the concessioner will be required to provide reduced rates for lodging and transportation to government employees on official business. Reduced rates under this program may only be provided for lodging and transportation and other specified services necessary for conducting official business in accordance with guidelines established by the Director. All other rates for all other goods and services are to be charged to all government employees and their dependents in the same manner as to general park visitors.

Equal Opportunity. The National Park Service is interested in having its concession operations reflect, through its employees, the cultural and ethnic diversity of the area in which they operate and of the nation as a whole. The National Park Service is also interested in having participation in the management of the new concession by minority and women professionals. The National Park Service believes that a varied and diverse concession workforce will better serve the increasingly varied and diverse clientele that uses the Nation's national park areas. A program for minority and women employees that advances these goals is very desirable.

Service Accessibility. An offeror must demonstrate a commitment to full participation for persons with disabilities. This commitment must represent opportunities for both mainstreaming individuals into the normal use patterns of concession services as well as the willingness to provide specialized accommodation and programs.

The Service recognizes that there are significant variations among concession activities as to the possible range of accessibility and accommodation. However, each concessioner will be expected to handle accessibility issues and inquiries in a supportive and assisting manner that provides maximum opportunities for persons of all abilities.

Operating Plan. The operating plan includes such details about the operations as are necessary for the concessioner and the National Park Service to operate smoothly together, and provides the concessioner with information as to what specific operating practices are considered satisfactory in the circumstances of a particular park.

Operating plans include such things as hours of operation, scope and quality of service, management information, lost and found procedures, reservations, advance deposits, cancellations and refund policy, convention policy, rates, safety, sanitation, security, and health care, concession employees and employment, complaint review process, prior notification of changes in key management staff, and other areas of concern. The operating plan is initiated at the park level and signed by the park superintendent. Typically, superintendents will ask concessioners to consult on the content of such plans. Such plans may not alter provisions in the body of the contract document or NPS policy.

The initial operating plan is an exhibit to the contract. It will be reviewed on no less than an annual basis, and the National Park Service will make changes as determined appropriate.

Insurance. The concessioner must carry liability insurance adequate for the types of activities it conducts. The contract requires the new concessioner to purchase and maintain various types of insurance. Minimum coverage limits, as required, are provided in Exhibit I of the draft Contract.

Preference in the Award of a New Contract. Under the National Park Service Concessions Management Improvement Act of 1998, certain existing satisfactory concessioners are entitled to a preference in the award of certain new concession contracts. Specifically, concessioners with annual gross receipts of less than \$500,000 and all concessioners who are solely authorized to provide outfitting and guide services may exercise this right under certain conditions. The scope of this preference is further described by National Park Service regulations (36 CFR Part 51).

Sub-Concessioners. By policy, the National Park Service discourages subcontracting. Subcontracting is not essential to providing quality service to the public and, therefore, the new concession contract prohibits subconcessioners.

Compliance with Federal, State and Local Laws. Concessioners operate on Federal land but within the jurisdictional framework established by the application of park jurisdiction. Federal statutes apply to concession operations. State and local laws and regulations may also apply.

Concessioner Risk Management Program. This contract incorporates the Concessioner Risk Management Program into the Operating Plan. A separate Risk Management Program is not required. This written program describes procedures, policies and documentation for a process to minimize incidents and accidents that will affect the visitor,

concession employees and the facilities. The program shall include the following elements appropriate to the size and scope of the required service:

- a. Management's Policy Statement, Duties, Employee's Responsibilities, and Administration.
- b. Accident Investigation and Reporting
- c. Safety/Health
- d. Training
- e. Emergency Procedures

Program Management - Financial Programs and Practices

The intention of the National Park Service is to contract with private businesses and individuals to conduct concession activities that are necessary to achieve park goals rather than to have the government conduct those activities directly. The National Park Service requires the payment of a franchise fee based on the probable value of the opportunity provided by the government.

Concessioner Pays Operating Costs. The costs of operation will be covered by the concessioner.

Personal Property Belongs to the Concessioner. Concessioners, not the government, are the owners of most types of personal property. Under new concession contracts, the government will not require any incoming concessioner to purchase such personal property.

Businesses May Not Be Sold Without Approval. Concession contracts may not be sold or encumbered without the prior approval of the National Park Service. Policies and procedures are described in 36 CFR, Part 51, Subpart J. Among other matters, the National Park Service is required to make certain findings before approving a sale, transfer, or encumbrance.

No Guarantee of Profit. There is no guarantee of any profit over the term of a concession contract or of a profit in any given year. It is the responsibility of the offeror to assure itself that the terms of its offer provide it a reasonable opportunity for profit.

Concessioner Review Program. The regional director, through the park superintendent and his/her designated representatives, will maintain a continuing review of concession operations and management. This continuing review will determine if the concessioner is complying with all provisions of the contract and will evaluate the concessioner's operation to determine if satisfactory performance as required by Public Law 105-391 is being provided. This concessioner review program will include, but not be limited to:

- The quality of the service rendered to the public;
- The prices that are charged the public;
- The condition of the premises;
- The appearance and conduct of employees;
- The nondiscrimination policies of the concessioner with relation to both employment and service to the public;
- Compliance with the Operating Plan;

- Compliance with U.S. Public Health Service standards and requirements and state and local health codes that may be applicable;
- Compliance with practices that foster a safe environment for the public; and
- Compliance with the various administrative and financial requirements of the contract;
- Compliance with the Environmental Management Program

The applicable park, following the procedures and requirements of the National Park Service concessioner review program, will prepare periodic written evaluations. From these evaluations an annual rating is established. Failure to operate in a manner satisfactory under the requirements of the concessioner review program may be cause for termination of a concession authorization.